



Zimbabwe

Country Reports on Human Rights Practices - [2000](#)

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Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government and have restricted political choice since independence in 1980. Although the Constitution allows for multiple parties, opposition parties have been subject both to financial restrictions, which were relaxed only partially in 1998, and to significant intimidation and violence by the ruling party and government security forces. Parliamentary elections were held in June and were preceded by a government-sanctioned campaign of violence directed towards supporters and potential supporters of the opposition. Although most election observers agreed that the voting process itself generally was peaceful, there were irregularities, and an estimated 15 percent of voters were turned away at the polls for various technical reasons. During the year, the country's first viable opposition party emerged, the Movement for Democratic Change (MDC), and won 57 out of 120 seats in the June parliamentary elections. The judiciary is generally independent, but the Government often refuses to abide by court decisions, frequently questions the authority of sitting judges, and threatens their removal.

The Zimbabwe Republic Police (ZRP) are responsible for maintaining law and order. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security. The Central Intelligence Organization (CIO) under the Minister of State for National Security in the President's Office is responsible for internal and external security but does not have powers of arrest. Members of the security forces committed serious human rights abuses.

Of a population of approximately 12 million, nearly half live by subsistence agriculture and about 75 percent rely directly or indirectly on agriculture for their livelihood; however, there are also substantial mining, manufacturing, and service sectors. The country has abundant arable land, minerals, good infrastructure, an educated and disciplined work force, and a strong ecotourism sector. Its chief sources of hard currency are exports of tobacco, gold, ferroalloys, nickel, tourism, and remittances from citizens working in other countries. The non-farm economy continued to be dominated by state-owned monopolies and suffered from mismanagement and poor governance, including government corruption, and from large fiscal deficits exacerbated by the Government's military operations since 1998 in the Democratic Republic of the Congo (DRC). These conditions continued to contribute to accelerating price inflation, rapid currency depreciation, high real interest rates, and high unemployment. The formal sector unemployment rate exceeds 60 percent. During the year, per capita gross domestic product fell to \$392, and according to government estimates, 70 percent of the population lives in poverty. The Government continued to face growing pressure from urban labor groups and rural low-income groups as the standard of living dropped. Widespread strikes and opposition from private businesses as well as labor largely frustrated government efforts to impose new taxes. International experts estimated that HIV/AIDS infects one-fourth of the adult population, killed at least 150,000 persons in the past year, and has created an estimated 900,000 orphans since the late 1980's.

The Government's poor human rights record worsened significantly during the year, and it committed serious abuses. The Government provided logistical and material support to ZANU-PF members, who orchestrated a campaign of political violence and intimidation that claimed the lives of more than 31 persons. Government supporters and war veterans, with material support from the Government, occupied commercial farms, and in some cases killed, tortured, beat, abused, and threatened farm owners and other persons believed to be sympathetic to the opposition. Security forces tortured, beat, and otherwise abused persons. There were unconfirmed reports of politically motivated disappearances. Prison conditions remained harsh, and life threatening. Arbitrary arrest and detention and lengthy pretrial detention remained problems. The judiciary is generally independent, but the Government often refuses to abide by court decisions, and frequently questions the authority of sitting judges, and threatens their removal. Infringements on citizens' privacy continued. The Government embarked on a far-reaching "fast-track" resettlement program whereby privately owned farms,

which are mostly white-owned, were threatened with seizure without fair compensation. The Government continued to restrict press freedom, enforce restrictive laws against, and intimidate journalists, and monopolize radio broadcasting. In September the Supreme Court ruled that the Government's monopoly on broadcasting was unconstitutional. Journalists also practiced self-censorship, and the Government continued to restrict academic freedom. The Government restricted freedom of assembly. Security forces repeatedly used force to disperse nonviolent public meetings and demonstrations. Although the Government generally respected religious freedom, its retention of the colonial-era Witchcraft Suppression Law reportedly was viewed as restrictive by some practitioners of traditional indigenous religions. The Government at times restricted freedom of movement, including erecting roadblocks around communal farming areas. The political process remained heavily tilted in favor of the ruling party, and widespread irregularities, fraud, and intimidation marred the June parliamentary elections. The Government criticized nongovernmental organizations (NGO's) of launching opposition political activity. Domestic violence against women remained widespread, and discrimination against women and the disabled remained problems. Abuse of children, including incidents of female genital mutilation (FGM), remained a problem. There were continuing reports of ritual murders associated with traditional religious practices. The President and his Government exacerbated widespread resentment of the economically prominent white minority. The Government violated worker rights. Child labor is a problem, and the traditional practice of offering young girls as compensatory payment in interfamily disputes persisted. There were reports that persons were trafficked from the country to South Africa for forced prostitution and forced labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no confirmed reports that security forces committed extrajudicial killings; however, in some cases army and police units provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities.

On July 9, at a soccer match in Harare, 12 persons were trampled to death after police fired tear gas into stands where opposition supporters were waving MDC banners and chanting anti-government slogans. Five others were critically injured, one of whom later died from injuries. By year's end, human rights organizations were supporting individual legal cases against the ZRP for using excessive force in the incident; however, the cases had not been tried by year's end.

In September 1999, Notice Zhakata reportedly died at Norton Hospital of injuries inflicted on him by police at the Kadoma police station, where he was detained following an arrest. According to press reports, police initially denied responsibility for the death, and the Government had not taken any action in the case by year's end.

In late 1999, allegations surfaced that members of the armed forces were training Burundian Hutu militias in the DRC to conduct attacks on Burundian and Congolese civilians in addition to military targets. The Ministry of Defense denied these reports, and no credible information has been found to verify them.

There were no new developments in the late 1998 case of a police officer who fired into a crowd of persons protesting fuel price increases in Mutare, killing one woman. There also were no developments in the February 1998 gasoline bombing case in which ZANU-PF supporters attacked independent Member of Parliament (M.P.) Margaret Dongo with a gasoline bomb at a by-election in Chitungwiza.

Police killed eight persons during January 1998 food riots. The Government conducted investigations into these cases, and private legal actions were instituted against the police. At year's end, those cases still were proceeding through the courts, and police investigations were ongoing at year's end. In March 1999, a magistrate court issued an opinion in the case of a 12-year-old girl, Kudzi Ndlovu, who was shot in Gweru during the riot on January 20, 1998. The judge concluded that her death resulted from a collapse in police command and inadequate riot control procedures by the officers on the scene; however, due to the confusing and conflicting evidence about the police response in this case, the judge was unable to find any individual officer liable for this death. The magistrate court recommended that further "private investigations" be undertaken to assist the Attorney General in determining liability in the case. At year's end, there were no further developments in the case.

The Attorney General continued to decline to prosecute the mayor of Chitungwiza, Joseph Macheka, for

shooting to death one man and injuring two others who allegedly attempted to rob Macheke's liquor store during the January 1998 food riots. The Attorney General determined that Macheke was acting in self-defense and therefore, that prosecution was not in the public interest; the case was dropped in 1999. Legal and human rights critics accused the Attorney General of being influenced by political pressure.

In July 1999, the ZRP's Criminal Investigation Division reportedly identified an unnamed official of both the ZANU-PF and the Government as the subject of an investigation into three ritual killings committed in 1997 (see Section 5). There was no further information available on the case at year's end.

By year's end, the Government still had not responded formally to a 1999 report by the Legal Resources Foundation (LRF) and the Catholic Commission for Justice and Peace (CCJP) on atrocities committed during the 1982-87 Matabeleland crisis, despite the March 1999 release of a shortened version that was made available in local languages and mounting pressure from civic groups, political parties, and churches. The LRF and Zimbabwe Lawyers for Human Rights subsequently subpoenaed the Government in January to release the findings of two commissions that investigated the Matabeleland massacres; however, the Attorney-General claimed that the documents were missing. In July the LRF petitioned the Supreme Court to force the Government to release the findings; the Court ruled that the President could be sued in court but had not heard the merits of the case by year's end. An estimated 10,000-20,000 persons died in the Matabeleland uprising and subsequent Government pacification campaign.

In the five-month period before the June parliamentary elections, 31 deaths were reported officially as a result of political violence, perpetrated mainly by supporters of the ruling party. On April 15, in Buhera district, a group of men in a ZANU-PF vehicle pulled in front of a vehicle driven by MDC leader Morgan Tsvangirai's campaign manager and eight other passengers, and forced the vehicle to stop. The men beat the driver and passengers with rifle butts and then set the car on fire. The driver and one passenger died in the attack, and two other passengers were reportedly hospitalized. Police later arrested two persons implicated in the attack, but they were released after a brief detention without explanation. There were no other arrests or court action in the case.

There were reports that in March ZANU-PF supporters killed persons during a campaign of violence in Mberengwa district (see Section 1.c.).

On April 17, a group of war veterans abducted MDC organizer and commercial farmer David Stevens from his farm and took him to their base in Murewa, where they beat him badly, and then shot and killed him. On September 22, after receiving an anonymous tip, police arrested a Marondera war veteran and charged him with murder. The suspect was released on bail pending a court hearing; however, the Attorney-General later withdrew the charges due to a lack of evidence, even though the suspect had been apprehended with the murder weapon and had been identified by a number of witnesses.

In late April in Kariba, residents of the town observed persons believed to be ZANU-PF supporters throwing the bodies of Luckson Kanyurira and another MDC supporter out of their vehicle onto the main street of the town. The incident followed several days of clashes between opposing political party members. No one was arrested or charged in the case by year's end.

On May 13, in Chipinge district, five persons beat to death Alex Chisasa, an army sergeant in civilian clothing. The killing occurred after Chisasa reportedly criticized publicly ZANU-PF's political strategy.

On May 17 in Mudzi district, youths allegedly supporting ZANU-PF beat to death Mationa Mashaya and his son, who were local supporters of the United Parties opposition group. The suspects beat to death the senior Mashaya in the presence of his wife, and then entered the home of Mashaya's eldest son, Onias, dragged him outside, and severely beat him, breaking both his hands. Onias died the following day from his injuries. No arrests were made in the case by year's end.

In June Mandishona Mutyanda, MDC ward chairman for the Kwekwe district, died of severe head injuries after being assaulted in a suburb of Kwekwe by suspected ZANU-PF supporters. No one had been arrested or charged in the case by year's end.

In March 1999, police instituted a system of roadblocks to apprehend suspected criminals, known as "Operation Hokoyo," that continued to be implemented periodically during the year.

Groups composed of war veterans tortured MDC members throughout the June election campaign. One person died from such torture (see Section 1.c.).

Six white commercial farmers were killed during the year in violence arising from land seizures (see Section 1.f.). For example, on December 13, three men armed with rifles killed white farmer Henry Elsworth and seriously injured his son in an ambush attack outside his farm gate. Press reports indicated that robbery did not appear to be the motive for the killing and that Elsworth had received numerous death threats during the year.

During the year at least five farm workers were killed in political violence; however, exact figures were not known. Three of the five were found hanged, and the police recorded their causes of death as suicides.

Harsh prison conditions and a high incidence of HIV/AIDS are widely acknowledged to have contributed to a large number of deaths in prison; the Zimbabwe Prison Service documented that 1,051 prisoners died of HIV/AIDS-related causes during the past 3 years (see Section 1.c.).

There were continuing reports of ritual murders and killings of children for body parts which were associated with traditional religious practices. In July 1999, Faber Chidarikire, a ZANU-PF official and mayor, was charged with the murder of a girl in 1987 (see Section 5).

b. Disappearance

There were unconfirmed reports of numerous politically motivated disappearances perpetrated by ZANU-PF supporters during the year, especially in the rural areas where most organized groups are loyal to the Government and there are few opposition organizations. Domestic human rights organizations believe that there were disappearances in rural areas that were not reported due to fear of retribution by pro-government factions.

On June 19, Patrick Nabanyama, a local MDC official and polling agent for Bulawayo South M.P. David Coltart, was abducted by suspected ZANU-PF supporters from his home. On October 10, ten war veterans, including the chairman of the National Liberation War Veterans Association in Bulawayo, reportedly were detained for the kidnaping and remained in detention pending a trial at year's end. By year's end, Nabanyama had not been found.

In June war veterans beat and abducted a journalist for The Independent newspaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and cruel and inhuman treatment; however, security forces tortured, beat, and otherwise abused persons.

The ZRP showed poor training in criminal apprehension and interrogation, and there were unconfirmed reports of human rights abuses by the CIO.

There continued to be reports of police using excessive force in apprehending and detaining criminal suspects.

Security forces were involved in incidents of political violence, including instances of soldiers beating civilians in areas where persons voted for the opposition, such as Harare suburbs and Kwekwe. Two cases arising from beatings by soldiers following the Government's referendum defeat in February went to court. On June 28, army soldiers reportedly beat an MDC M.P. and MDC members at a political rally that had been authorized by police authorities (see Section 2.b.). Reportedly the victims were beaten with rifle butts and five were hospitalized for injuries. There were also reports that police fired tear gas into homes during the suppression of riots in October.

There were at least 8 politically motivated rapes reportedly perpetrated during the year.

On July 9 at a soccer match in Harare, five persons were injured and 12 persons were killed, after police fired tear gas into the stands during a soccer match (see Section 1.a.).

On October 9, police reportedly used tear gas on MDC supporters who were gathered at an airport for the arrival of MDC leader Morgan Tsvangirai.

Security forces repeatedly used force to disperse nonviolent demonstrations (see Section 2.b.). On October 12, police reportedly beat students with batons and used tear gas to break up a peaceful student rally (see

Section 2.b.). On October 16, during food riots, security forces and police used excessive force to disperse demonstrators. Police officers, supported by army units, fired tear gas into crowds, and the army used helicopters to drop tear gas canisters over neighborhoods. Security forces reportedly beat an opposition M.P. and four journalists. There also were reports that journalists were whipped and beaten by security forces (see Sections 1.d., 1.f., 2.a., and 2.b.).

There were reports during the year that Government forces allegedly used landmines in the DRC; there was no further information available on the extent of injuries resulting from these landmines.

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses.

In September 1999, Notice Zhakata reportedly died at Norton Hospital of physical abuse inflicted by police at the Kadoma police station while he was detained there (see Section 1.a.).

In March 1999, the Chitungwiza police arrested, detained for 6 months and allegedly tortured a married couple, Joyce and Shupikai Karimazondo, and another person, John Mita, in response to allegations by a neighbor that they had killed their young domestic worker for ritual purposes (see Sections 2.c. and 5). In September, the Karimazondos and Mita were released, and the murder charge was dropped after the domestic worker was located alive and unharmed. The Magistrate Court declined the Karimazondos' defense counsel's application to have the State prosecute the investigating officers for misconduct and unlawful detention. Mita stated that he was suing the Government for unlawful detention. A local organization that treats torture victims, the Amani Trust, began investigating these allegations. At year's end, these investigations and legal challenges still were proceeding. No further information on the case was available at year's end.

In January 1999, in Harare, three men, one of whom later was identified as a police officer, reportedly assaulted Isidore Zindoga, deputy secretary general of the Zimbabwe Confederation of Trade Unions (ZCTU). There was no further information available on the case at year's end.

In January 1999, the military police detained and subsequently tortured and beat two journalists, Mark Chavunduka and Ray Choto (see Section 2.a.). The journalists' suit for their alleged mistreatment still was pending at year's end.

In June 1999, CIO officer Richard Mutswiri Mutiti reportedly filed a suit with the High Court alleging that four other CIO officials had beaten and kicked him, doused him with a flammable petroleum distillate, and threatened to burn him, while detaining him without warrant at the Harare Central Police Station in June 1998. A CIO disciplinary committee reportedly recommended the firing of the four officials in 1998, and one reportedly resigned soon thereafter; the High Court was scheduled to hear the cases of the remaining three officers in January 2001.

A consortium of human rights lawyers and NGO's pursued legal actions in 40 cases on behalf of persons who alleged that they had been injured by state officials during the 1998 food riots (see Section 1.d.). Twenty of those cases were resolved in favor of the claimants, and in one case, the army paid compensation to the victim. In the other 20 cases, the ZRP stated that it did not have the funds to pay damages. In six cases, the court ruled in favor of the police. Three other cases were withdrawn due to a lack of evidence, and three plaintiffs died before their cases could be heard. At year's end, six cases still were pending; of those cases, two claimants reportedly had left the country, and the remaining four could not be located.

Government supporters beat suspected opposition members, commercial farmers, and farm laborers; on June 5, an international team of medical experts on a fact-finding mission found evidence of systematic physical and psychological torture by government supporters. Human rights groups have reported that war veterans and other ruling party supporters set up torture chambers in government-funded offices to brutalize opposition supporters. The names of MDC M.P. David Coltart and other MDC members and supporters were reportedly included on a death list that was circulated among ZANU-PF supporters.

Persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers in the manufacturing sector, were singled out for assault or intimidation. In most cases the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or vigorously investigate political crimes. On April 15, a group of men driving a ZANU-PF vehicle stopped another vehicle with MDC members and beat the driver and passengers, killing two persons (see Section 1.a.). On April 17, a group of war veterans beat a commercial farmer, who was also a MDC organizer, and subsequently shot him to death (see Section 1.a.). On May 13, a gang beat to death an army sergeant after he reportedly criticized the ZANU-PF party (see Section 1.a.). The Zimbabwe Election Support Network, a grouping of human rights

organizations, reported that on May 16, in Manicaland, Eomonn Oliver, the production manager of Border Timbers International, was grabbed by a group wearing ZANU-PF shirts when he arrived at work. They beat him and forced him to sit in a pool of mud in front of his workers and chant ZANU-PF slogans. On May 17, a group of youths who allegedly were ZANU-PF supporters beat to death a supporter of an opposition group and his son (see Section 1.a.). In June an MDC ward chairman died of injuries after he was beaten by suspected ZANU-PF supporters (see Section 1.a.).

In a number of rural areas, war veterans and other ZANU-PF supporters conducted "pungwes," or forced nightly political gatherings. Hundreds of villagers were rounded up, driven to remote areas, and forced to chant ZANU-PF slogans or denounce the opposition until the next morning.

There were confirmed reports that in Budirio, a suburb of Harare, war veteran groups frequently used a medical clinic belonging to National Liberation War Veterans Association leader and M.P., Dr. Chenjerai Hunzvi, to torture members of the MDC. At least one person, Chipunza, died from injuries sustained during torture there, and another six testified to a human rights group that they were tortured at this clinic. Authorities arrested 46 war veterans, but they were released on bail, and they are unlikely to be tried due to President Mugabe's decree pardoning perpetrators of political violence between January and July (see Sections 1.e. and 3).

Government supporters raped suspected opposition supporters. The attacks targeted female farm workers and health workers (see Section 5).

In March a group of ZANU-PF supporters allegedly tortured MDC members in Bulawayo before a rally addressed by President Mugabe. In August police arrested two war veterans suspected of participating in the torture; however, charges against them were dropped as a result of a presidential amnesty (see Section 1.e.).

The Zimbabwe Human Rights NGO Forum, a coalition of the nine largest human rights organizations in the country, reported that in March ZANU-PF supporters in Mberengwa district abducted a local nurse and a teacher at night and forced them to a remote camp where other opposition members were being held. The two were stripped and forced to climb trees and jump from a height of three meters. They were beaten with electrical cords and sticks and threatened with firearms. Authorities arrested four suspects and held them on charges of malicious damage to property, public violence, kidnaping, and murder. As a result of a presidential amnesty, charges against three of the suspects were dropped, but the fourth suspect remained in custody for murder at year's end (see Section 1.e.).

On April 1, there were violent clashes between MDC and ruling party supporters that resulted in at least 12 injuries. ZANU-PF supporters reportedly beat passers-by. Police used tear gas to disperse the groups (see Section 2.b.). War veterans threw stones at unarmed opposition members and bystanders and injured several persons. Police did not intervene immediately, allowing war veterans to severely beat bystanders.

In June there were at least 200 reported attacks on schools by ruling party supporters. Teachers were dragged from classrooms, beaten, and stripped naked in front of their students. Health care workers also were targeted for assault, and nurses were raped.

In June war veterans beat and abducted a journalist for The Independent newspaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

On July 16, war veterans beat Standard journalist Cengetayi Zvanya at a news conference at ZANU-PF headquarters; the war veterans detained Zvanya for two hours and then released him.

In July the National Constitutional Assembly (NCA), an umbrella organization of approximately 100 NGO's, called for an inquiry into the political violence, and a number of other human rights organizations released reports on the political violence associated with the June parliamentary elections during the year.

In August it was reported that war veterans abducted and sexually abused 10 schoolchildren (see Section 5).

On October 6, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31 (see Section 1.e.). The amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them.

Prison conditions remained harsh. Extreme overcrowding, shortages of clothing, and poor sanitary conditions persist. Overcrowding and poor sanitation aggravated outbreaks of cholera, diarrhea, and HIV/AIDS-related

illnesses among the 21,133 prisoners in the country during the year. Government prison service authorities reviewed overcrowding in prisons during a 1998 workshop and concluded that exposure to HIV/AIDS was a major cause of a large number of deaths in detention, and prison authorities called for more research to address this growing problem; some authorities argued for the early release of such terminally ill prisoners. There has been a significant increase in the number of women incarcerated, primarily due to harsh economic conditions. Female prisoners are held in separate cellblocks from male prisoners. There are an estimated 2,000 women in prison, increasingly for crimes of prostitution, embezzlement, fraud, petty theft, and abandonment of infants. Many incarcerated women are obliged to raise their very young children in prison if they have no one to care for them while they are detained. The Government established a successful community service sentencing program to try to alleviate prison overcrowding. The Legal Resource Foundation, in cooperation with the prison service, has established a human rights training program for prison officials. Officials who mistreat prisoners are punished routinely. Juveniles generally are held separately from adults; however, a local NGO reported that occasionally juveniles, particularly juveniles between the ages of 16 and 18 years, are held with adult prisoners for brief periods of time.

The Government permits international human rights monitors to visit prisons; however, government procedures and requirements make it very difficult to do so. Permission is required from the Commissioner of Prisons and the Minister of Justice, which sometimes can take a month or longer to obtain or may not be granted. A local NGO that deals with prisoners' issues was granted access on a number of occasions during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weaken this prohibition and security forces arbitrarily arrested and detained persons repeatedly.

The law requires that police inform an arrested person of the charges against him before he is taken into custody. Warrants of arrest issued by the courts are required except in cases of serious crimes or where there is the risk of evidence disappearing. The Ministry of Home Affairs paid \$400,000 (Z\$4.5 million) in damages for wrongful arrest cases in 1996, the last year for which statistics were available.

Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often is disregarded if a person does not have legal representation. A 1992 amendment to the Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents. However, in practice, a circular issued by the Attorney General giving a general authority to grant bail has lessened the negative impact of the rule. High Court judges grant bail independently.

Two laws dating from the British colonial era, the Official Secrets Act and the Law and Order Maintenance Act (LOMA), grant the Government a wide range of legal powers. LOMA gives extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not clearly defined.

In 1997 the Government proposed new legislation called the Public Order and Security Bill (POSB) to replace the LOMA. The original POSB was less restrictive than the LOMA only in some respects. During the following 2 years, the Parliament significantly amended the POSB to reflect the concerns of human rights and legal organizations, which had protested the Government's original draft as insufficiently liberal. Although the amended version that the Parliament sent to President Mugabe for his signature was similar to the LOMA in including vague definitions of political and security crimes, harsh penalties for failure to report the acts of others, and restrictions on freedom of assembly, speech, and association, President Mugabe declined to sign it, and returned it to the Parliament in early June 1999 for further consultation and possible amendment. There was no further action on the POSB in Parliament during the year (see Section 2.a.).

On April 26, police detained an Associated Press photographer for 4 days without charge in connection with the April 22 bombing of the offices of the independent Daily News (see Section 2.a.).

On May 21, police arrested 20 MDC supporters who were preparing for a political rally (see Section 2.b.).

On October 8, police detained three parliamentarians from the opposition MDC for allegedly inflammatory statements made at a political rally. The M.P.'s were detained for two nights and released when the Attorney-General declined to prosecute them (see Sections 1.e., 2.a., and 2.b.). On October 9, police dispersed a demonstration protesting the arrest of the three parliamentarians (see Section 2.b.).

During food riots on October 16, police detained at least 70 persons (see Section 1.c.).

In January 1999, military and civilian police detained and physically abused two journalists from The Standard and charged them with violating Section 50 of the LOMA (see Sections 1.c. and 2.a.).

In a landmark decision in April, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, at year's end the journalists' suit for their alleged mistreatment had not been concluded (see Section 2.a.).

At the end of 1999, the Government reportedly was holding about 80 foreigners in Harare Remand Prison who had been there for between 2 months and 1 year without having been charged formally. Many of these detainees reportedly were persons from the DRC claiming to fear persecution by the Government of the DRC, which the Government of Zimbabwe was supporting militarily against insurgent forces.

In June 1999, a CIO officer filed a suit alleging that other CIO officials had detained him without warrant in June 1998 (see Section 1.c.).

On July 2, 1999, the Zimbabwe Human Rights NGO Forum released a follow-up report to its 1998 report on the January 1998 food riots. The report noted that the police claimed that a total of 3,000 persons were arrested during the 3 days of rioting and 2 days of clean-up. The overwhelming majority of those arrested were released within a 2-week period; the Rights Forum concluded that 70 percent of those arrested could not be convicted because of lack of credible charges or flawed arrests by the police and army. Its report also claimed that some persons were victims of uneven justice. For example, those arrested first received harsh sentences or were in remand without trial. Those arrested later were released quickly, because the system was overwhelmed.

There were no developments in the case of the Reverend Ndabaningi Sithole, a former opposition M.P. and longtime rival of President Mugabe, who was convicted and sentenced in December 1997 to 2 years' imprisonment under the LOMA for conspiring to assassinate President Mugabe in 1995. In January 1998, Sithole filed an appeal, and the sentencing judge called for a pardon. Sithole died in December while receiving medical treatment outside of the country.

Prolonged pretrial detention remained a problem. Detainees spend an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

The Constitution prohibits forced exile, and the Government does not use forced exile; however, a number of persons left the country to escape repression and remained in self-imposed exile at year's end.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and in practice the judiciary remained largely independent; however, the Government increasingly refused to abide by judicial decisions. In addition numerous government officials, including the Justice Minister and the Minister for Information and Publicity, repeatedly called for the resignation of Supreme Court justices.

The Customary Law and Local Courts Act of 1990 created a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. With this restructuring, civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed for life, and the Constitution provides that they can be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons; however, judges were threatened with removal at times by the Government. Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and sometimes are subject to political pressure. Military courts deal with disciplinary or court-martial proceedings. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Trials in both these latter courts meet internationally accepted standards for fair trials; defendants in these courts have the right to appeal to the Supreme Court. All levels of the judiciary often make rulings disliked by the Government.

The Constitution provides for the right to a fair trial, and the judiciary rigorously enforces this right. Every defendant has the right to a lawyer of his choosing. However, well over 90 percent of defendants in magistrates' courts do not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this is rarely done and rarely granted. However, in capital cases the Government provides an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. The government-established Citizens Advice Bureau was eliminated due to budget constraints in 1997. All litigants are represented in the High

Court. The Supreme Court has instructed magistrates to ensure that unrepresented defendants fully understand their rights and to weigh any mitigating circumstances in criminal cases, whether or not the accused presents them as part of his defense.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials are open to the public except in certain security cases. Defendants enjoy a presumption of innocence and the right to present witnesses and question witnesses against them. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The legal system does not discriminate against women or minorities. However, some High Court judges imposed lenient sentences in some cases of rape and child sexual abuse, and local women's and legal organizations challenged these decisions.

In April and May, the Government failed to abide by two High Court rulings requiring that police officials remove war veterans and other squatters trespassing on commercial farms. On May 17, the High Court ordered an end to the occupation of 500 farms by war veterans and other ZANU-PF supporters; however, the order was not implemented. In May the High Court also brought contempt of court proceedings against National Liberation War Veterans Association leader Chenjerai Hunzvi for failing to remove his followers from occupied farm properties. Hunzvi, along with the Government, had been ordered in April to remove thousands of squatters from 1,000 occupied farms. Hunzvi was found guilty of contempt of court and received a commuted 3-month prison sentence; however, both Hunzvi and the Government continued to ignore the court orders at year's end. In August and September, police removed approximately 100 squatters and war veterans from farms near Harare; however, the Government stopped the expulsions after the police actions were publicized, and approximately 1,000 farms remained occupied at year's end.

Members of the ruling party and the Government were increasingly dissatisfied with the judiciary, whose rulings often went against ZANU-PF and the Government. In July the Supreme Court ruled that the President could be sued in court after the LRF sued the Government to release a report of two commissions that investigated the Matabeleland massacres (see Section 1.a.). On November 1, the Minister of State for Information and Publicity called for the resignation of the Supreme Court Chief Justice for issuing too many rulings against the Government.

On November 10, the Supreme Court ruled unanimously that the Government's land resettlement policy violated constitutional rights to property and protection from arbitrary search and entry, and ordered a halt to the occupations (see Section 1.f.). On November 29, the Justice Minister warned the courts not to oppose the Government's land program (see Section 1.f.). On December 21, the Supreme Court ruled that the Government's land acquisition program was unconstitutional, that the Government had persistently violated the rule of law with its land program, and that the political and civil rights of farmers had been routinely denied.

In November war veterans raided the Supreme Court building to protest the Court's rulings against the Government's land resettlement policies. In December war veterans threatened to attack justices in their homes if they did not resign within 2 weeks; no such attacks occurred.

The Government continued routinely to delay payment of court costs or judgments awarded against it. For example, the CIO continued its refusal to pay damages awarded by the High Court to a former opposition party official whom CIO agents had tortured in 1990.

On October 6, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31. The pardon excluded the offenses of murder, robbery, rape, sexual assault, theft, and possession of arms, but did not exclude the charges of common assault and assault with the intent to commit grievous bodily harm. The pardon permitted the immediate release of prisoners convicted of the latter two offenses. The amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them. The amnesty was widely criticized by domestic and international human rights groups. Amnesty International expressed concern that it would encourage further violence in the run-up to the presidential elections in 2002.

The Government repeatedly has amended the Constitution in response to judicial rulings protective of human rights. For example, Amendment 11 (1992) changed the Constitution to allow corporal punishment of minors after the Supreme Court ruled that caning of minors constituted cruel and inhuman punishment. Amendment 14 (1996), which denies both men and women the right to confer automatic residency on their foreign spouses, was passed in response to a 1994 Supreme Court ruling declaring that women should have the same rights as men to confer residency and citizenship on their spouses (see Section 2.d.). Amendments to the Constitution are not ratified by the public but are subject only to the ZANU-PF-dominated Parliament's approval.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary interference with these rights; however, the Government restricted these rights in practice. The Government sometimes monitors private correspondence and telephones, particularly international communications. In April Parliament passed the Postal and Telecommunications Bill that permits the Government to monitor and intercept e-mails entering and leaving the country (see Section 2.a.).

On September 14 and September 15, police raided MDC party headquarters, detained MDC officials, and removed documents (see Section 3).

On October 4, police searched the homes of an independent radio station's co-owners and others associated with the station (see Section 2.a.).

In October rising prices of essential commodities, including fuel and food, sparked riots in many of Harare's suburbs. Police conducted house to house searches, beat residents, severely in some cases, and warned them not to engage in further demonstrations, despite the fact that many of those threatened had not participated in the riots. On October 17, approximately 50 riot police entered the home of opposition M.P. Justin Mutendadzamera, accused him of fanning the riots, and severely beat him and his wife with batons on their buttocks and arms (see Section 1.c.).

About one-half of the country's most productive land is owned and farmed by about 4,000 families belonging to the country's white minority. The need for land reform is accepted almost universally; however, there are problems with implementation of the 1992 Land Acquisition Act (Land Act). Under the Land Act, farmers whose lands have been designated for acquisition and redistribution by the State may appeal only the amount of compensation, not the initial decision to acquire their farms. Shortly after the February referendum that defeated the new constitution that would have permitted land seizures, war veterans, with Government support, began occupying commercial farms, and assaulted and intimidated farm workers and the predominately white farm owners. Approximately 1,600 farms were visited or occupied in the period prior to the June elections, and about 1,000 of those farms remained occupied at year's end.

On April 9, Parliament passed a constitutional amendment permitting the seizure of land without compensation. In May President Mugabe, using extraordinary presidential powers, amended the Land Act to bring it into conformity with this amendment. In early June, the Government marked 841 farms for compulsory acquisition, giving those farm owners 1 month to appeal. After the June elections, the Government began a "fast-track" resettlement program in an effort to quickly settle the land problem. The Government designated an additional 2,000 farms for seizure. Under the Government's plan, farm owners would be compensated over a 5-year period for improvements made to the land but not for the property itself. Although no farms were seized officially or their owners evicted by the Government, portions of approximately 1,000 commercial farms continued to be occupied by war veterans, ZANU-PF supporters, and other squatters at year's end, many of whom built homes and planted crops on the land they occupied. In November the Supreme Court ruled that the land occupations violated constitutional private property rights and protection from arbitrary search and entry (see Section 1.e.) and issued a consent decree whereby the Government and the CFU agreed that the Government would halt its land resettlement activities and evict squatters from occupied land; however, the Government had not complied with the agreement by year's end (see Section 1.e.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression but allows for legislation to limit this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice. Security forces arbitrarily detained journalists, disobeyed court orders to release journalists, and refused to investigate or punish security force members who tortured journalists and opposition members. Journalists practice self-censorship.

The Government restricted freedom of speech, particularly by opposition members and supporters. During the February referendum, eight NCA members, including two prominent MDC members, were arrested for violating sections of the Electoral Act that prohibit campaigning within 100 meters of a polling station. On February 15, a magistrate dismissed the case after the eight NCA members proved they were not within 100 meters of the polling station (see Section 2.b.).

On April 1, police fired tear gas on NCA members during a peace march (see Section 2.b.). In July police officers fired tear gas into the stands during a soccer match after opposition supporters began waving MDC

banners and chanting slogans. Thirteen persons were trampled to death in the incident (see Sections 1.a. and 2.b). On October 8, three MDC M.P.'s were arrested and charged with making inflammatory statements at a political rally (see Sections 1.d. and 2.b.).

Sections 44 and 50 of the LOMA criminalize and allow the Government to suppress the publication of any "subversive" statement or "a false story capable of causing alarm and despondency." An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition antidefamation laws criminalize libel of both public and private persons alike.

Several major daily newspapers and one local-language tabloid belong to the Mass Media Trust (MMT), a holding company heavily influenced by the ruling party. Until April 1999, the Government, through the MMT, controlled the only two daily newspapers at the time, the Chronicle and the Herald. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other antigovernment groups, and also neglected events or information that reflected adversely on the Government. The government-controlled media never criticized President Mugabe. In addition, the Minister of Information and Publicity in the President's Office controls the Zimbabwe Inter-Africa News Agency wire service.

The independent press grew substantially during the year in relation to the MMT-owned press. Independent newspapers that appeared regularly and had more than 3,000 subscribers were relatively few: one daily (The Daily News), three weeklies (The Financial Gazette, the Independent, and The Standard), and three monthlies. In 1998 a new privately owned consortium, Associated Newspapers of Zimbabwe (ANZ), which was 60 percent foreign-owned in 1998 but only 40 percent foreign-owned by the end of 1999, launched five weeklies in 1999 tailored to community-level readership. Three of the ANZ weekly newspapers closed in 1999 due to financial problems arising from limited advertising revenue; two remained open at year's end. In April 1999, the ANZ launched the country's first independent daily newspaper, The Daily News, which has the nation's largest circulation. The circulation of The Daily News grew significantly before the parliamentary elections, and the readership of the government-controlled The Herald fell rapidly. The major independent newspapers continued to monitor government policies and open their pages to opposition critics, but most of them also continued to exercise some self-censorship in reporting due to growing government intimidation of the press and the continuing prospect of prosecution under criminal libel laws.

The Government increasingly tolerated private media criticism of official corruption, as a number of widely publicized reports on malfeasance in government parastatals and ministries, notably the National Oil Company of Zimbabwe, appeared in both independent and MMT-owned newspapers. The Government did not prosecute any journalists or newspapers in connection with these reports; in past years, government prosecutions for criminal libel in connection with reporting of government corruption had resulted in the closure of some newspapers. However, in other respects the Government was increasingly intolerant of freedom of the press, including reports perceived to be critical of the military, and reports on the country's involvement in the DRC.

On February 23, authorities arrested the publisher of the independent newspaper, The Standard, and two of its journalists on charges of criminal defamation after The Standard published an article accusing the Government of printing the draft constitution without incorporating all of the public's views before the final adoption. Authorities also arrested a former editor and a reporter in connection with the article from The Standard.

In August Bernard Masara confessed to the editorial staff of The Daily News that he had been hired by the CIO to kill the editor. Masara had not been arrested or charged by year's end.

During the October 16-18 food riots in Harare, security forces reportedly beat seven journalists, when they attempted to enter a restricted area (see Section 1.c.).

In February 1999, in Harare an army sergeant based at Cranborne Barracks reportedly seized and publicly burned 16 copies of The Standard; the sergeant also reportedly threatened to kill the vendor if he continued to sell the newspaper. The lead story in the burned issue concerned the construction of a new mansion for President Mugabe. In late February, a police spokesperson stated that the police would charge the sergeant with malicious injury to property.

In January 1999, military and civilian police detained, tortured, beat, and otherwise abused two journalists from

The Standard, Mark Chavunduka and Ray Choto, who reported in a story that 23 army officers were arrested in connection with an planned military coup. On January 19, the Government charged the two journalists under Section 50 of the LOMA with "publishing a false story capable of causing alarm or despondency." The two journalists subsequently filed suit against members of the security forces for damages to compensate

them for the torture and illegal detention, and challenged the constitutionality of the LOMA (see Sections 1.c. and 1.d.). In a landmark decision in April, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, the journalists' suit for their mistreatment still was pending at year's end.

Supporters of the ruling party and war veterans harassed, intimidated, and abused journalists considered to be sympathetic to the opposition. On April 6, a Daily News journalist, photographer, and a driver, were detained for 2 hours by ZANU-PF supporters and war veterans on a farm outside Harare. They were threatened with death for allegedly supporting the opposition MDC and supporting white commercial farmers. The youths, armed with iron bars and golf clubs, forced them to remove their shoes, sit on the ground, and chant pro-ZANU-PF slogans, in view of the police. The youths took the journalists' two cameras, national identity cards, and government-issued press cards. On July 22, Chengetai Zvauya, a reporter for The Standard, was detained and assaulted by war veterans at ZANU-PF headquarters. The war veterans claimed they attacked Zvauya because the independent press subjects them to unfair coverage.

On April 1, war veterans reportedly singled out journalists for attack during a counter-demonstration against a NCA peace march; at least one journalist was injured (see Section 2.b.).

On April 19, Geoff Nyarota, the editor of The Daily News, received a letter from an unknown organization threatening him if the newspaper did not desist from publishing articles critical of the Government and President Mugabe in particular. On April 22, a bomb exploded in an art gallery directly below the offices of The Daily News. On April 26, an Associated Press photographer was arrested in connection with the bombing. He was released on May 2; no charges were filed against him.

In June war veterans beat and abducted a journalist for The Independent newspaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

On July 16, war veterans beat Standard journalist Cengetayi Zvanya at a news conference at ZANU-PF headquarters; the war veterans detained Zvanya for two hours and then released him.

Books and films are subject to review by the Zimbabwe Board of Censors. During the year, the Board banned at least 10 films.

Radio remained the most important medium of public communication, especially for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Minister of Information and Publicity in the President's Office. There were credible reports that the Minister routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government, including antigovernment demonstrations and the ZCTU. In December 1999, the ZBC, reportedly at the order of the Minister, stopped broadcasting a popular phone-in talk show in which citizens increasingly had voiced criticism of the Government.

On September 22, the Supreme Court declared unconstitutional the Government's broadcasting monopoly. Immediately after the ruling, Information Minister Jonathan Moyo insisted that no private radio stations would be allowed to go on the air until the Government had drafted the necessary regulatory framework governing the entry and participation of private broadcasters in this sector. Despite Moyo's statement, Capital Radio, a private radio station, began broadcasting after the Supreme Court decision. On October 4, police shut down Capital Radio and seized its equipment, despite the issuance of a High Court decision earlier in the day barring the seizure. The police also searched the homes of the station's co-owners and others associated with the company, including an MDC M.P. On October 5, the High Court ordered the return of all equipment and the cancellation of the arrest warrants, and directed the Government to issue a license to Capital Radio within 10 days. The Government returned most of Capital Radio's equipment but did not issue a license to Capital Radio. On October 5, President Mugabe issued by decree temporary commercial broadcasting regulations that give the Minister of Information and Publicity the ultimate power to issue and deny broadcasting licenses. The Government claimed that the new broadcasting regulations rendered the court order non-binding. The Committee to Protect Journalists criticized the Government's action. Capital Radio is drafting an appeal to the Supreme Court that asserts that the temporary regulations are unconstitutional and requests a license in the absence of a fair hearing by the regulatory commission. On October 20, a legal committee of Parliament, in a non-binding resolution, declared the new regulations unconstitutional. By year's end, Capital Radio was awaiting Parliament's final report on the regulations before proceeding with a Supreme Court appeal in which it alleged that the regulations are discriminatory.

The Government appeared effectively to control, although the State no longer owned, all domestic television broadcasting stations. The ZBC, under the supervision of the Minister of Information and Publicity, owns and

operates television broadcasting facilities. Following a Supreme Court ruling in September 1999 that the Government's monopoly on telecommunications was unconstitutional because it interfered with the right to freedom of expression, the Government for the first time granted a broadcasting license to private television station, Joy Television (Joy TV). However, President Mugabe's nephew, Leo Mugabe, reportedly has financial ties to Joy TV, and the ZBC reportedly exercises editorial control over Joy TV's programming. Joy TV remained the only privately licensed television station, and it remained restricted to broadcasting on an available channel leased from the ZBC; creation of an independent transmission facility remained restricted under the Broadcasting Act. Joy TV is not permitted to broadcast local news or current affairs programming; however, it does broadcast BBC news reports. International television broadcasts were available freely through private cable and satellite firms.

The NCA accused the government-influenced newspaper The Chronicle and the ZBC of refusing to publish previously accepted advertising from the NCA about its proposed constitutional process due to government orders to ban the NCA from disseminating its alternative message on the constitutional process. After the NCA took the ZBC to court in February, the judge ordered ZBC to carry the NCA's advertisements; the ZBC responded by carrying the advertisements in late night timeslots that had few listeners.

The Government does not restrict access to the Internet. During the year, there were many privately owned domestic Internet service providers. However, in April Parliament passed legislation that would permit the Government to monitor all international e-mail messages entering and leaving the country. It is unknown to what extent the security services have used this authority to intercept e-mail communication.

The Government restricts academic freedom. The University of Zimbabwe (UZ) Amendment Act and the National Council for Higher Education Act restricts the independence of universities, making them subject to government influence, and extending the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controls the UZ and appoints its Chancellor and Vice Chancellors; since 1998 the Ministry also has appointed the Dean of Faculty, previously elected by the faculty, and most members of the University Council, which previously consisted largely of faculty members. The 1998 expansion of the Government's control of the UZ, which was a subject of student protests in 1998, was cited as a subject of concern to the faculty in a parliamentary committee report in June 1999. During the year, a number of students were expelled, and faculty members were forced to take leave without pay for belonging to the MDC.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government restricted this right in practice. The Government enforced laws that restrict this right, including the LOMA, and repeatedly used force to break up nonviolent demonstrations by its critics. Permits are not required for meetings; however, the police continued to require that groups obtain permits for marches or demonstrations despite the 1994 Supreme Court ruling that struck down the part of LOMA requiring permits. Most groups that conducted marches did not seek permits because of the Supreme Court ruling.

During the February referendum, eight NCA members, including two prominent MDC members, were arrested for violating sections of the Electoral Act that prohibit campaigning within 100 meters of a polling station. On February 15, a magistrate court dismissed the case, ruling that the NCA members were not within 100 meters of the polling station and that the application of the act to a national referendum violated the constitutional right of free assembly (see Section 2.a.).

On April 1, war veterans and riot police violently disrupted a peace march in central Harare organized by the NCA. The war veterans, in addition to young government supporters marched from ZANU-PF headquarters in a counter-demonstration and attacked the NCA marchers with stones, crowbars, and pickaxe handles, while police fired tear gas into the crowd. The attackers also reportedly chased the marchers into neighboring shops and beat them. At least 12 persons, including one British journalist, were seriously injured. The war veterans reportedly singled out journalists for attack, and a number of innocent by-standers were injured as well. The police ultimately disarmed the war veterans and other attackers, but did not arrest or charge them. Five NCA marchers were arrested for disobeying police orders to disperse. The Minister of Home Affairs blamed the NCA marchers for organizing a demonstration at the same time and place as the war veterans.

On May 7, several thousand MDC supporters attended a rally at Mucheke Stadium in Masvingo, despite threats of violence from ZANU-PF supporters. According to press reports, many persons were turned away by the police, who broke up groups larger than five persons and sealed off all roads leading into Masvingo.

On May 13, a peaceful NCA rally was disrupted by police and approximately 50 war veterans. The war veterans reportedly attacked those attending the rally with clubs, iron bars and stones.

On June 28, MDC members reportedly were beaten by soldiers at a political rally that had been authorized by the police (see Section 1.c.).

In July police fired tear gas into the stands during a soccer match after opposition supporters began chanting slogans and waving banners (see Sections 1.a., 1.c., and 2.a.).

On October 8, three MDC M.P.'s were arrested and charged with making inflammatory statements at a political rally (see Sections 1.d. and 2.a.). On October 9, police used tear gas and baton sticks to break up a peaceful demonstration of approximately 1,500 MDC supporters in Harare who had gathered outside the magistrate's court to protest the arrest of the three MDC parliamentarians (see Section 1.d.). At least seven demonstrators were injured by the police.

On October 12, riot police broke up a student rally outside the University of Zimbabwe campus where a MDC M.P. was scheduled to speak. Police and security guards reportedly beat many of the students with batons and used tear gas (see Section 1.c.).

Between October 16 and 18, security forces and police beat and used tear gas on demonstrators during food riots (see Section 1.c.).

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups, and the Government generally respected this right in practice. However, ZANU-PF supporters, supplied with government vehicles and money, killed, tortured, beat and abused those perceived to be political opponents (see Sections 1.a. and 1.c.).

The formation of unions and political parties is not restricted.

Organizations generally are free of governmental interference as long as their activities are viewed as nonpolitical. The Supreme Court ruled unconstitutional sections of the 1995 Private Voluntary Organizations (PVO) Act, which had allowed the Government to suspend the executive bodies of organizations (see Section 4).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, a law that reportedly criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions. There is no state religion. The Government generally recognizes all religions.

The Government does not require religious institutions to be registered; however, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas.

Witchcraft--widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons--traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. In recent years, interest in healing through traditional religion and through prayer reportedly has increased as HIV/AIDS has infected an estimated one-quarter of the adult population, and affordable science-based medicines effective in treating HIV/AIDS have remained unavailable.

The 1890 Witchcraft Suppression Act (WSA) reportedly criminalizes purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting persons to name witches; penalties reportedly include imprisonment for as much as 7 years. The law reportedly defines witchcraft as the practice of sorcery, without reference to the consequences intended by the practitioner. Since 1997 the Zimbabwe National African Traditional Healers' Association (ZINATHA) has proposed amendments to the 1890 law that would redefine witchcraft in terms of intent to cause harm including illness, injury, or death; however, such legislation reportedly has been opposed by mainstream Christian churches. The existing WSA also generally was supported by human rights groups; the Act has been used since independence primarily to protect persons, primarily women, who have been accused falsely of causing harm to persons or crops in rural areas where traditional religious practices are strong.

There is some tension between the Government and the indigenous African churches because of the latter's

opposition to Western medical practices that result in the reduction of avoidable childhood diseases and deaths in those communities. Some members of the indigenous churches believe in healing through prayer only and refuse to have their children vaccinated. The Ministry of Health has had limited success in vaccinating children in these religious communities against communicable childhood diseases. Human rights activists also have criticized these indigenous churches for their sanctioning of marriages for underage girls.

President Mugabe has expressed skepticism about the increasing membership in evangelical and indigenous churches and has indicated that he believes they could be subversive.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government at times restricted these rights in practice.

On April 27, the police invoked the LOMA to set up roadblocks around the country to prevent the busing of political party supporters between districts. Permission was granted to bus supporters only to those rallies at which the leaders of political parties were scheduled to speak. The police commissioner characterized the action as a measure to prevent political violence; however, enforcement was limited to MDC supporters, which effectively limited the opposition's ability to campaign in ZANU-PF strongholds (see Section 3).

On May 7, police sealed off all roads leading into Masvingo, where the MDC was holding a political rally (see Section 2.b.).

In May the Government ordered 26,000 British nationals with dual citizenship to surrender their Zimbabwe passports after President Mugabe declared them "enemies of the state."

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government generally provides first asylum; however, according to UNHCR, while 1,460 asylum seekers were granted refugee status in 1999, at least 34 persons were denied first asylum during the year. At year's end, there were reportedly 3,560 refugees from more than 20 countries; the largest groups consisted of 130 Congolese (DRC), 103 Rwandans, 102 Burundians, and 45 Angolans.

There were reports that foreign farm workers were threatened with deportation if they voted against the ZANU-PF party in the June parliamentary elections (see Section 3).

In late May, two Cuban doctors who were working in the country and seeking asylum at two foreign diplomatic missions were arrested and detained at several different prisons, where security personnel tried to force them to sign deportation documents. After several days, they were flown to South Africa accompanied by security personnel who then attempted to return them to Cuba. After hearing the doctors' protestations, the airline pilot refused to board them, and the two were returned to Zimbabwe and detained again. The authorities denied UNHCR representatives access to the doctors for several days, and refused to provide bedding, blankets, adequate food, or proper sanitation to the asylum-seekers. The asylum seekers were released on July 5 to the UNHCR after being held for 6 weeks. There were no other reports that the Government attempted to forcibly return persons to a country where they feared persecution.

Some employers reportedly take advantage of illegal refugees for inexpensive labor (see Section 6.e.).

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although citizens have the legal right to change their Government democratically, in practice the political process continued to be tilted heavily in favor of President Mugabe and his ZANU-PF party, which have ruled continuously since independence in 1980.

Parliamentary elections were held in June amid widespread voter intimidation by the Government and ZANU-PF supporters, violence, and reports of vote-rigging and other irregularities. Although the election day generally was peaceful, the process leading up to it was neither free nor fair. The newly formed opposition MDC captured 57 out of the 120 popularly elected seats. Thirty additional seats are reserved for presidential and tribal chief appointees, who are ZANU-PF supporters, which gave ZANU-PF a total of 92 seats. In the period before the June parliamentary elections, the Government, backed by security forces, implemented a systematic campaign of intimidation and physical violence against opposition supporters (see Sections 1.a. and 1.c.). In April the Government invoked LOMA to bar the transportation of political supporters across

constituencies (see Section 2.d.). Police also used LOMA to restrict public gatherings (see Section 2.b.). In many districts, the campaign backfired, resulting in additional votes for the opposition, but in others, voters stayed away from the polls out of fear of retribution. For example, there were reports that farm workers of non-Zimbabwean heritage were threatened with deportation if they voted against the ruling party (see Section 2.d.). There are institutional problems with the management and supervision of elections, and the overlapping mandates of the Electoral Supervisory Commission, the Ministry of Justice, Legal & Parliamentary Affairs, and the Registrar-General's Office. Although the Ministry of Justice technically administers the Electoral Act, the Registrar General's Office falls under the Ministry of Home Affairs. With an insufficient budget and an overburdened staff seconded from the Ministry of Justice, the Electoral Supervisory Commission lacks the institutional capacity to oversee all of the country's polling stations. Commissioners also lack authority to order the correction of irregularities. Despite an attempt to computerize the voters' roll, it contains a very large number of redundancies and errors, including misspellings, multiple entries, and names of deceased persons. These irregularities were highlighted during the June parliamentary elections; many votes for the ruling party were recorded as cast by deceased persons. International observers cited the need to establish an independent electoral commission. The Government legalized immense powers in the President through the Electoral Act, which institutionalized gerrymandering and fraudulent voters' rolls. The Government invoked the act shortly before the June elections to redraw constituent boundaries in its favor and raise bureaucratic barriers to voter registration. Although most election observers agreed that the voting process itself generally was peaceful 15 percent of voters were prevented from voting on election day on technical grounds or due to incomplete or inaccurate voters' rolls. Electoral officers did not operate in an open and transparent manner.

In August the Supreme Court nullified on procedural grounds approximately 6,000 absentee ballots sent in by troops stationed in the DRC. The ruling followed widespread reports that the ballots had been distributed by ZANU-PF to districts in which it faced narrow defeat by MDC candidates.

In April Vice-President Msika announced that civil servants would not be permitted to act as election monitors in the parliamentary elections because they sympathized with the opposition. Civil servants have been the Government's traditional source for domestic election monitors. The MDC accused the Government of replacing the civil servants with its own supporters. International election observers were repeatedly denied accreditation by the Government, and most were not accredited until the last few days before the election due to frequent changes in the accreditation rules by the Government. On June 14, the Electoral Supervisory Commission (ESC) challenged in the High Court sections of the amended Electoral Act that reduces ESC authority to accredit international electoral monitors.

The ruling party's candidates continued to benefit from the ruling party's control of the state-owned firms that dominate the country's economy, from its control of the state-monopolized broadcast media (see Section 2.a.), and from its monopoly on overt state grants for political campaigns. In 1998 the Supreme Court ruled unconstitutional provisions of the Political Parties Finance Act (PPFA) that allocated state grants among political parties in proportion to the parties' seats already in the Parliament. In response the Government amended the PPFA later in 1998 to allocate campaign grants among parties in proportion to votes received in the last general election, with a minimum requirement of 5 percent. The Government was required to publish the amount of financing the MDC was entitled to receive according to its June election showing by August 24; however, it had not done so by year's end. The Government claimed that the MDC failed to submit its funding request by the deadline in June and that it is not entitled to state funds. In October the High Court ruled that ZANU-PF is not authorized to spend the MDC share until the matter is resolved.

In July the MDC filed a petition with the High Court to challenge the electoral results in 37 parliamentary constituencies, stating that there was sufficient evidence of intimidation, vote-rigging, and other irregularities to warrant the overturning of results in those constituencies. In October the High Court scheduled consideration of the petition for January 2001. On December 8, President Mugabe amended the Electoral Act to prohibit the nullification of the election of any M.P.

On September 14 and September 15, police raided MDC party headquarters, detained some MDC officials (see Section 1.d.), and removed documents. On September 16, the High Court ruled that the search of the offices and seizure of documents was illegal, and the police returned the seized documents. In addition to the raid on MDC headquarters, police frequently harassed individual MDC members after the June elections.

The 16 constitutional amendments since 1980 have increased greatly Mugabe's power relative to the legislature. Originally a prime minister elected by the Parliament, he has become a directly elected president. Constitutional Amendment 9 authorizes the President to declare unilaterally a state of public emergency for a period of up to 14 days. Amendment 10 grants the President sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister. Amendment 10 also allowed the President to appoint 20 of the 150 Members of Parliament (M.P.'s), including 12 nonconstituency M.P.'s and 8 provincial governors who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.'s. All 30 of these M.P.'s have been consistently ZANU-PF members.

The legislature, which traditionally has been subordinate to the executive branch, has a viable opposition that subjected the Government to calls for accountability and transparency. Parliamentary question time is being used to force debate and disclosure. For example, in September, Finance Minister Simba Makoni was forced to disclose during question time that the Government had spent \$200 million (Z\$9 billion) on its deployment of 12,000 troops in the DRC over the past 2 years, which sparked widespread criticism from the opposition and wider debate about the country's involvement in the DRC. In October the MDC brought a motion to Parliament to impeach President Mugabe for violating the Constitution and gross misconduct. In November the Speaker of Parliament appointed a special committee composed of eight ZANU-PF members and four MDC members to consider the charges outlined in the motion; the committee had not held hearings or released its findings by year's end.

Since late 1997, the NCA has advocated the creation of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties. In May 1999, the President established the Constitutional Commission (CC), whose 400 members he appointed, to review the current Constitution and prepare a new draft to be submitted to a national referendum. The NCA was openly critical of the CC, asserting that it was a government-controlled entity whose product would not reflect the will of the populace. On December 11, 1999, the CC released a draft constitution that would maintain a strong presidency. In a nationwide referendum in February voters defeated the new draft constitution.

Women are underrepresented in government and politics. Fifteen of the 150 M.P.'s are female, including the Deputy Speaker of Parliament, 1 minister, and 1 deputy minister; in the previous parliament there were 20 female M.P.'s. Women participate in politics without legal restriction; however, according to local women's groups, husbands--particularly in rural areas--commonly direct their wives to vote for the husband's preferred candidates. In December 1999, the ZANU-PF congress decided that women would be allotted one out of every three party positions. At the ZANU-PF congress in December, 50 new positions reserved for women were added to the party's 180-member Central Committee, which is one of the party's most powerful organs. All major ethnic groups are represented in Parliament and in the Government; however, most members of the Government and the Parliament, as well as most ZANU-PF officials, are affiliated with the Shona ethnic group, which makes up a majority of the population (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the Government permits local civic and human rights groups to operate, it monitors their activities closely. National groups that promote human rights include the Amani Trust, the Catholic Commission for Justice and Peace (CCJP), the Legal Resources Foundation, Zimbabwe Lawyers for Human Rights, the Bulawayo Legal Projects Centre (BLPC), the NCA, the Southern African Foundation of the Disabled, the Child and the Law Project, the Musasa Project, the Zimbabwe Women Lawyers Association, the Association of Zimbabwe Journalists, the Women's Action Group, Women and Law in Southern Africa, Women in Law and Development in Africa, Zimbabwe Women's Resource Centre and Network, Women and AIDS Support Network, and the Human Rights Research and Documentation Trust of Southern Africa.

These NGO's worked on human rights and democracy issues including lobbying for revision of the Public Order and Security Bill, increasing poor women's access to the courts, raising awareness of the abuse of children, eliminating irregularities in voter rolls, preserving the independence of the judiciary, and eliminating torture, arbitrary detention and restrictions on freedom of the press and assembly. The Foundation for Democracy in Zimbabwe (FODEZI) was established in July 1997 as a watchdog organization to support independent candidates. The Zimbabwe Human Rights NGO Forum was formed in 1998 to help provide legal and psycho-social assistance to the victims of the food riots in January 1998. It has taken the lead in coordinating reports on human rights violations and abuses in the period prior to and following the June elections.

During the year, tensions increased between the Government and civil society. In various public statements throughout the year, the Government accused NGO's of launching opposition political activity and threatened to clamp down on NGO's which do not comply with the PVO Act.

In a case brought by a women's NGO, the Supreme Court ruled unconstitutional those sections of the 1995 Private Voluntary Organizations (PVO) Act, which had empowered the Minister of Social Welfare, Labor, and Public Service to suspend the executive body or "any member of the executive committee of an organization and to appoint persons to manage the affairs of the organization for a specified time." Prior to the Supreme Court's ruling, several new NGO's set up their organizations as "associations" connected with established NGO's so that their executive bodies would not be subject to government interference.

Amnesty International, Transparency International, and the International Committee of the Red Cross operate in the country. The Government generally does not discourage representatives of international human rights groups from visiting the country.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that "every person in Zimbabwe" is entitled to fundamental rights whatever his race, tribe, place of origin, political opinions, color, creed, or sex; however, domestic violence and discrimination against women, abuse of children, and discrimination against the disabled remained problems. There were continuing reports of ritual murders associated with traditional religious practices. The President and his Government attempted to exacerbate resentment of the economically prominent white minority.

Women

Domestic violence against women, especially wife beating, is common and crosses all racial and economic lines. It extends throughout the country and at times results in death. According to Women in Law and Development in Africa (WILDAF), domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. The Musasa Project, a women's rights organization, established the country's first shelter for victims of domestic violence in Harare in 1997; it can accommodate up to 20 women at a time. The Musasa Project provided services to an estimated 3,147 clients at its Harare office in 1999, 61 percent of whom were female victims of domestic violence; 40 percent of those who were assisted were minors, victims of rape or incest. The Musasa Project reports that 54 percent of the women counseled for domestic violence have sexually transmitted diseases, including many with HIV/AIDS.

There continued to be reports of rape, incest, and sexual abuse of women. Although the Harare press reported a slight decrease in the number of reported rape cases during the year, the Musasa Project believes that the actual number increased because of an increase in the number of divorced women and women escaping spousal abuse. At least eight cases of politically-motivated rape were reported in the pre-election period; human rights groups estimate that the actual number of politically-motivated rape may be closer to 800, including incidents of gang rapes of young girls and elderly women and rapes of female farm workers and health care workers (see Section 1.c.). Women face many obstacles in filing reports of rape. Many police stations are not prepared to handle properly the investigation of such cases. In addition, women are reluctant to file reports because of the social stigma of rape. Women's groups believe the actual number of rapes is underreported greatly. When cases go to court, lengthy sentences for rape and wife beating generally are imposed. However, a "binding over" order (an order to appear in court to respond to an accusation of violent behavior) is issued based only on actual physical abuse and not on threats of violence. Courts also do not have the power to oust an abusive spouse from a matrimonial home. Systemic problems and lack of education often mean that police do not respond to women's reports or requests for assistance. The Ministry of Justice is considering draft legislation that would increase the penalties for sexual abuse, including rape of a spouse.

Since independence the Government has enacted major laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women. However, women remain disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevent rural women in particular from combating societal discrimination. Despite legal prohibitions, women still are vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing, and the custom of forcing a widow to marry her late husband's brother.

The Legal Age of Majority Act (LAMA) and the Matrimonial Causes Act recognize women's right to own property independently of their husbands or fathers. While unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act, which came into effect in October 1997, removed inheritance laws unfavorable to widows. Women's groups regard the act as a major step toward ending the unfair and unequal distribution of inherited assets for women. The President signed the new Inheritance Amendment into law in 1998; however, in February the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family. The Court cited Section 23 of the Constitution, which allows discrimination against women under customary law. Divorce and maintenance laws are favorable to women, but women generally lack awareness of their rights under the law.

Although labor legislation prohibits discrimination in employment on the basis of gender, women are concentrated in the lower echelons of the work force and commonly face sexual harassment in the workplace. Research conducted by the Training and Research Support Centre (a Harare-based NGO) revealed that one in three working women at all levels were subjected to sexual harassment in the workplace, as defined by Zimbabwean legal experts. The 1996-1997 study was based on questionnaires from 528 working women.

In August 1998, the Government denied a petition by women's groups that one-third of land redistributed under the land reform program be distributed to households headed by women, which reportedly make up one-third

of all rural households. At a press conference in 1999, Joseph Msika, Vice-President and Minister of State in charge of resettlement, reportedly stated, "I would have my head cut off if I gave women land." Nevertheless, during the September 1999 land conference, women's rights organizations lobbied the Government to recognize women as a special group to be considered in the Government's resettlement program. The Women Land Lobby Group (WLLG) criticized the Government for not taking into consideration the needs of women as an economically disadvantaged group in its "fast-track" resettlement program (see Section 1.f.). The WLLG is lobbying the Ministry of Lands, Agriculture & Rural Resettlement for greater consideration.

Several active women's rights groups, including WILDAF, the Musasa Project, the Zimbabwe Women Lawyers' Association, the Women's Action Group, and the Zimbabwe Women's Resource Center and Network concentrate on improving women's knowledge of their legal rights, increasing their economic power, and combating domestic violence. Groups that focus on the problems of protection of women against domestic violence and sexual transmission of HIV/AIDS included the Women and AIDS Support Network and Musasa Project.

During the July cabinet restructuring, the cabinet level position of Minister of State for Gender Affairs in the Office of the President was eliminated; however, the Government created a new Ministry of Youth Development, Gender and Employment. The Government gives qualified women access to training in the military and national service. Although there have been recent advances for women, they continue to occupy mainly administrative positions.

There were reports that women were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

Children

The Government continued to demonstrate its strong commitment to children's rights and welfare through a system of primary health care and education overseen by the Ministry of Health and Child Welfare. The Children's Protection and Adoption Act, the Guardianship of Minors Act, and the Deceased Person's Maintenance Act protect the legal rights of minor children; however, the Government has not enforced these acts. While there is no compulsory education, the country has made considerable progress in providing education for children, and overall primary school attendance has increased by more than 4,000 percent since independence. About 93 percent of children reached grade 5. However, with the reintroduction of school fees in urban schools and rural secondary schools, enrollment has declined. School fees have risen sharply due to high inflation, resulting in the inability of many families to afford to send all of their children to school. The 1998 U.N. Development Program's Human Development Report noted that in most regions of the country, fewer girls than boys attend secondary schools. If a family is unable to pay tuition costs, it is most often female children who leave school. The literacy rate for women and girls over the age of 15 is estimated to be 80 percent while the male rate is about 90 percent. However, budget cuts and the lack of adequate attention to HIV/AIDS prevention are eroding the Government's capacity to address children's needs in these areas. International experts estimated that HIV/AIDS infects one-fourth of the adult population and killed more than 150,000 persons during 1999; it is estimated that the number of deaths during the year was equal to or higher than in 1999. Deaths from HIV/AIDS created hundreds of thousands of orphans. There were an estimated 150,000 orphans in 1995, 900,000 in 1999, and 1 million during the year. This rapidly growing problem is expected to put a tremendous strain on both formal and traditional social systems. At the household level, there is an increased burden on the extended family, which has traditional responsibility for caring for orphans. Many grandparents are left to care for the young, and in some cases children or adolescents are heading families. Many orphans are sent to foster homes, where they often become victims of sexual abuse. At the provincial and national levels, the governments are saddled with increasing demands for community orphan projects, orphanages, health care, and school fees.

The number of street children, with the related problems of theft, street violence, drug use, and violent death, also is increasing. There were an estimated 12,000 homeless street children in the country in 1999, many of them the children of former Mozambican refugees or AIDS orphans. The number of incidents of child abuse, including incest (long a taboo), infanticide, child abandonment, and rape is increasing. It is not known whether the statistics reflect the fact that more cases are occurring or only that more are being reported. There are reports of child labor, including reports of an increased number of girls engaged in prostitution (see Section 6.d.). The Ministry of Justice's Vulnerable Witnesses Committee established victim-friendly courts (VFC) in 1997 to improve the judicial system's handling of child victims of rape and sexual abuse. According to the Musasa Project, 39 percent of the 3,000 persons whom it assisted at its Harare office in 1998 were victims of child abuse. There was a large volume of rape cases in the Harare VFC, which led to calls by children's rights' advocates to establish additional courts in surrounding areas. The criminal justice system has special provisions for dealing with juvenile offenders.

In August it was reported that war veterans abducted and sexually abused 10 schoolchildren. The case

reportedly was under investigation, although there was no further information available at year's end (see Section 1.c.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, rarely is performed in the country. However, according to press reports, the initiation rites practiced by the small Remba ethnic group in Midlands Province include infibulation, the most extreme form of FGM.

The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued during the year.

Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept and promote polygyny and the marriage of girls at young ages; they also generally approve of healing only through prayer and oppose science-based medicine including the vaccination of children.

There were continuing reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions. Body parts from children reportedly were considered the most efficacious for some such purposes.

There were reports that children were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

People with Disabilities

President Mugabe appointed a disability activist to Parliament in 1995 to represent the needs of the disabled. The Disabled Persons Act of 1992 specifically prohibits discrimination against persons with disabilities in employment, admission to public places, or provision of services and is viewed by advocates of the disabled as model legislation. However, in practice, the lack of resources for training and education severely hampers the ability of disabled persons to compete for scarce jobs. The act stipulates that government buildings should be accessible to disabled persons; however, implementation of this policy has been slow. A local NGO was working on auditing the act and implementing the law during the year. NGO's were lobbying to include albinos in the definition of "disabled" under the act. Disabled persons face particularly harsh customary discrimination. According to traditional belief, persons with disabilities are considered bewitched, and reports of disabled children being hidden when visitors arrive are common.

Religious Minorities

There are generally amicable relations among the various religious communities. The Muslim, Jewish, Hindu, and Buddhist religious communities are relatively small and generally not in competition with Christian denominations for converts. Catholic Church officials say they welcome interfaith dialog with Muslims but believe some of the evangelical churches are hostile to Islam.

There are at least four umbrella religious organizations primarily focused on interdenominational dialog among Christians, and some intrareligious activities. However, Muslims are not represented in any of these organizations, and there is no vehicle for formal Christian-Muslim dialog. Muslims have complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

During the February constitutional referendum, more than 150 priests and ministers under the Evangelical Fellowship of Zimbabwe (EFZ) lobbied for Christianity to be enshrined in the new constitution as the country's sole national religion. That position was rejected, primarily because its opponents argued that Christianity had brought about colonization in Africa.

There were reports of growing tensions between mainline Christian churches and practitioners of traditional indigenous religions. Leaders of the Christian churches reportedly opposed the repeal or modification of the Witchcraft Suppression Act sought by practitioners of traditional indigenous religions (see Section 2.c.). Several leaders of Christian churches reportedly denounced a perceived increase in "satanism" in the country; acts of satanism allegedly included drinking human blood and eating human flesh.

There were continuing reports of ritual murders associated with traditional religious practices, although the

Government actively enforces the law against all kinds of murder including ritual murders. Gordon Chavanduka, chairman of ZINATHA, the national association of traditional healers, reportedly stated that black-market demand for human body parts used in making potions has increased greatly in recent years. Some observers suggested that this development may be associated with the spread of HIV/AIDS in the country, and the lack of affordable science-based medicines for treating infected persons (see Section 2.c.). Unlike in the previous year, there were no reports that persons killed children for body parts for healing rituals associated with traditional religions. In July 1999, Faber Chidarikire, a ZANU-PF official and mayor of the northern town of Chinhoyi, was charged with murdering a 13-year-old girl in 1987, but he was released on bail after intervention by the Attorney General; there were reports that Chidarikire cut off the girl's ear and excised her genitals. In 1995 an examination of a severed head found in Chidarikire's car in 1994 indicated that it had been severed with a blade, not in a car accident as Chidarikire had maintained.

National/Racial/Ethnic Minorities

According to Government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 15 percent, whites less than 1 percent, and other ethnic groups 2 percent. There have been tensions both between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

During the 1960's and 1970's, elements of the white minority rebelled against British rule and established and maintained a racially discriminatory apartheid regime, which was dismantled in 1980 only after armed insurgencies by the armed wings of ZANU and the Zimbabwe African People's Union (ZAPU), and economic sanctions by the international community. The white community remains economically privileged; despite government efforts at land reform, white farmers continued to own one-half of the country's most productive land and most of its major businesses at year's end (see Section 1.f.).

Government services are provided on a nondiscriminatory basis. The Government has sought to expand and improve the previously "whites only" infrastructure in urban areas to provide health and social services to all citizens, and all schools and churches are integrated legally. However, social interaction between Africans and whites remained uncommon. Racial tensions have subsided since independence and remain low despite the Government's ongoing attempts to blame whites for the country's economic problems. On many occasions, especially during the campaign to amend the draft constitution, President Mugabe, members of his Government, and the state-controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries, and has criticized other governments for trying to interfere with the "continuing liberation struggle." During the year, the Government embarked on a far-reaching "fast-track" resettlement program whereby privately-owned farms, which are mostly white-owned, were designated for seizure with no clear means for providing compensation. Government supporters and war veterans assaulted commercial farmers in their homes and on their property (see Sections 1.a. and 1.c.). In a nationally televised address before the June election, Mugabe called white farmers "enemies of the state." On October 15, Matabeleland North Governor Obert Mpofu accused whites of using black citizens in an attempt to remove Mugabe's Government and warned of violence if whites continued to frustrate the "fast-track" resettlement effort (see Section 1.f.). On October 25, President Mugabe threatened to revoke his Government's policy of reconciliation with whites that was adopted in 1980 after the MDC tabled a motion in Parliament to impeach him. The President threatened to arrest white M.P.'s David Coltart and Michael Auret for drafting the impeachment motion.

During the 1980's the Shona-dominated Government suppressed a brief Ndebele insurgency with a 5-year pacification campaign that killed an estimated 10,000-20,000 Ndebele civilians in Matabeleland, the region in which the Ndebele are concentrated. Although relations between the Shona and the Ndebele subsequently have improved, the disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government's unequal distribution of national resources and the Government's failure to compensate victims of the 1980's Matabeleland killings.

Section 6 Worker Rights

a. The Right of Association

The 1985 Labor Relations Act (LRA) provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters, set programs and policies that reflect the political and economic interests of labor, and form or join unions without prior authorization. The LRA allows for the existence of multiple unions per industry, provided that each is registered with the Ministry of Public Service, Labor, and Social Welfare (MPSLSW). While the Government can deregister individual unions, the High Court has ruled that the LRA does not give the Minister the power to suspend or deregister the national umbrella

labor confederation, the Zimbabwe Congress of Trade Unions (ZCTU). The Parliament did not consider the Labor Relations Amendment Bill (LRAB) again during the year.

Approximately 25 percent of the formal sector work force (approximately 400,000 workers) belongs to the 31 unions that form the ZCTU. ZCTU officers are elected by delegates of affiliated trade unions at congresses held every 5 years; the ZCTU postponed its next congress until February 2001. While the Government encouraged the ZCTU's formation, anticipating that it would form the labor arm of ZANU-PF, it no longer controls the ZCTU; most of the leadership of the opposition MDC party came from the ZCTU. The Government and the ZCTU often have clashed sharply on economic policy, particularly the Economic Structural Adjustment Program that was implemented in 1990. The Government usually has not consulted either the ZCTU or employers before implementing policy decisions that affect the workplace. This lack of consultation has often resulted in reactions that disrupted labor relations, thereby promoting uncertainty and some strikes.

The 1992 Labor Relations Amendment Act (LRAA) specifies that workers may establish independent worker committees, which exist side by side with unions in each plant. Worker committees also must be registered with the MPSLSW, which is free to refuse registration. ZCTU officials believe that the formation of worker committees was an attempt to dilute union authority, because the worker committees are comprised of union and non-union workers. However, the ineffectiveness of worker committees demonstrated the need for the experienced worker representation of the established trade unions.

It is virtually impossible to conduct legal collective job action. There is no right to strike in the Constitution. The 1985 LRA, the 1992 LRAA, and the LRAB 2000 do not include mention of this issue. "Essential" employees are prohibited by law from striking, and the Government defines all public sector workers as "essential." Managers also are prohibited from striking, and in various industries, the Government defines most employees as managers; the Government also considers some private sector workers, such as those in the health sector, as essential workers. For the remaining nonessential employees legally to conduct a strike, over 50 percent of the company's employees must vote in favor of the action. Many employees are afraid to do so, for fear of management reprisals. However, if a majority vote is obtained, the dispute is referred to the concerned government agency for resolution. Only if the government-appointed arbitrator determines that a resolution is not possible is the right to strike granted. These government-imposed delays prevent most employees and their unions from ever declaring legal strikes. However, illegal strikes or work stoppages have occurred within individual companies, and occasionally, in entire industries.

There were minimal labor actions, such as strikes and stay-aways, during the year. With the volatile political environment and the economic crisis, labor and management united in calls to address fundamental economic and political governance issues. In a nationwide stay-away on August 2, in which 80 percent of workers reportedly participated, the ZCTU instructed workers not to report to their jobs to protest the political violence and farm invasions that occurred before the parliamentary elections (see Sections 1.f. and 3).

There were efforts to organize nationwide strikes by security guard service employees and mining sector employees; however, they failed because of disagreements between workers and unions, and workers returned to work without reaching new labor agreements in either sector. On August 14, after a breakdown in contract negotiations, the Associated Mineworkers of Zimbabwe went on strike, closing almost half of the 40 mines in the country for 2 weeks until the union ended the strike and reentered negotiations.

During the year, workers from individual companies seeking pay increases called spot strikes because of the decrease in the value of their salaries due to inflation and currency devaluation; however, these strikes were sporadic and not formally sanctioned by either individual unions or the ZCTU.

The International Confederation of Free Trade Unions (ICFTU) has criticized the labor laws for giving "wide scope to the authorities to declare that a given enterprise or industry constitutes an essential service, and then impose a ban (on strikes) on it." The authority to reclassify a previously nonessential service as essential was not used during the year. In previous years, President Mugabe has issued blanket bans on strikes in the country in both the public and private sectors, and he issued a 6-month ban on all collective job actions from November 1998 to May 1999; the ban expired in May 1999. The President did not issue any blanket bans on strikes during the year, but government officials stressed that the Government reserves the right to reimpose the ban at its discretion.

The ZCTU was critical of violence during the year directed at agricultural workers who live and work on commercial farms, many of whom are members of the General Agricultural and Plantation Workers Union of Zimbabwe (GAPWUZ), which is affiliated with the ZCTU. On May 8, a group of 20 armed ZANU-PF supporters beat workers at a workers compound and forced them to attend a political rally (see Section 1.c.). There were reports of violence and isolated incidents of war veterans threatening workers for alleged MDC support.

There are several pending ILO cases that allege violent police intervention against union demonstrators and inadequate investigation of assaults and arson against trade unionists.

The LRA allows for the formation of multiple national federations. A second umbrella labor organization, the Zimbabwe Federation of Trade Unions (ZFTU), was launched in October 1996 with the stated purpose of providing an alternative to the ZCTU, and states that its goal is to work in collaboration with the Government, and it is openly critical of the ZCTU. The ZFTU's leadership and membership remained unclear, with key personnel changing regularly. Most observers believe that the ZFTU has close ties with the ZANU-PF ruling party. The ZFTU largely was inactive, except for occasional public statements criticizing ZCTU activities, and generally was not considered a viable labor organization.

Public servants and their associations, the Public Service Association (PSA), the Zimbabwe Teachers Association (ZIMTA), and the Zimbabwe Nurses Association (ZINA) are not covered by the provisions of the LRA. Instead, their conditions of employment are provided for under the Constitution. Although civil servants constitutionally are barred from forming unions, in 1995 the ZIMTA stated its intention to affiliate with the ZCTU and the PSA. In 1998 the PSA affiliated itself with the ZCTU. During the year, a new organization, the Civil Service Employees Association, was formed as an umbrella organization for civil service employees, and requested affiliation with the ZCTU at year's end. This request remained pending with the ZCTU leadership at year's end. All public servants are deemed essential and are prohibited from striking.

The ZCTU and its officials are free to associate with international labor organizations and do so actively. The ZCTU is affiliated with the ICFTU and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively

The LRA provides workers with the right to organize. As originally written, this act was silent on the right to bargain collectively. However, the 1992 LRAA permits unions to bargain collectively over wages. Worker committees, which by law are not organizationally part of the unions or the ZCTU, are empowered to negotiate with the management of a particular plant on the conditions of labor and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers have the right to take their grievances to the Government's Labor Relations Tribunal (LRT) for final adjudication. The LRT maintained a huge backlog of cases again during the year, with 3,383 cases pending by year's end, some of which have been awaiting a hearing for years. The backlog is attributed to staffing shortages; only one out of six LRT judgeships were filled by year's end.

Collective bargaining wage negotiations take place on an industry-wide basis between the relevant union and employer organizations sitting on joint employment boards or councils. Collective bargaining agreements apply to all workers in an industry, not just union members. Over 80 percent of all industries are unionized. From April to July each year workers and employees negotiate salary increases and other benefits in their respective National Employment Councils (NEC's). These bodies submit their agreements to the Registrar in the MPSLSW for approval. The Government retains the power to veto agreements that it believes would harm the economy. However, it does not involve itself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represents a specific sector, representatives of the organized workers, such as the professional associations, meet with the employer associations, under the mediation of labor officers from the MPSLSW. Although companies offered wage increases that did not keep up with inflation during the year, workers and unions accepted the increases offered because of the economic crisis.

Public sector wages are determined by the Salary Service Department of the MPSLSW, subject to the approval of an independent Public Service Commission (PSC). Each year PSC officials meet with PSA representatives to review wages and benefits. These reviews result in a recommendation that is forwarded to the MPSLSW. The Minister is not required by law to accept the recommendation and usually proposes a wages and benefits package that is less than the recommendation, resulting in yearly industrial protest actions by civil servants.

Employees in positions designated as managerial are excluded from union membership and thus from the collective bargaining process. The ZCTU stated that the definition of manager in the 1992 LRAA was overly broad and criticized the Government and private sector for using it to exclude managers from the collective bargaining process.

The LRA prohibits antiunion discrimination by employers against union members. Complaints of such discrimination are referred to labor relations officers and may subsequently be adjudicated by the LRT. Such complaints are handled under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination should be reinstated, although this has yet to be utilized in practice.

The LRAA streamlined the procedure for adjudicating disputes by strengthening the LRT. Labor relations officers hear a dispute; their decision may be appealed to regional labor relations officers, after which the LRT may hear the case. Ultimately, it may be appealed to the Supreme Court. However, with only one of six LRT judgeships appointed by year's end, cases from as early as 1993 remained pending with the LRT at year's end.

The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones (EPZ's). The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remain low.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor, including by children; however, the law is not enforced in practice. The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued in rural areas (see Section 5), and there were reports that persons, particularly women and children, were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law bans the employment of children under the age of 15 and restricts employment of those between the ages of 12 and 17 to light work during school holidays for periods not exceeding 6 hours per day. Light work is defined as work not likely to prejudice a child's education, health, safety, rest, or social, physical, or mental development. All hazardous employment, overtime, and night shift work is banned for those under the age of 18. However, there is little to no enforcement of these laws. Although schooling is not compulsory, over 90 percent of children attend school through grade 5 (see Section 5).

Child labor is common. Children work in the agricultural sector, and there were reports that children worked as domestics and as car-watchers on the streets. Child labor in the formal agricultural sector, such as on tea and coffee plantations, reportedly involves children working in the fields after school during the planting and harvesting seasons and full-time during school holidays. Long hours are common. Children often work alongside their parents, and their working conditions approximate those of adults. While some form of child labor on large commercial farms is widespread, agricultural organizations maintain that the labor performed is not exploitative, involuntary, contrary to law, or outside of cultural norms that allow children to engage in field work with their families. On some farms where children attend boarding schools, school schedules and calendars are tailored to allow children to work in the fields during busy farming periods. These children work in "earn and learn" schools, where a percentage of their wages are applied to their school fees and books. Economic hardship makes this arrangement a necessity for children from very poor families.

The rate of HIV/AIDS infection in the country has reached about 25 percent among the adult population, and the rate of infection appeared to be accelerating. As a result, more children worked in the informal sector to fill the income gap left by ill or deceased relatives. The number of children in adoptive homes or living on the streets increased rapidly.

The unemployment rate continues to grow, decreasing the number of children employed in the formal sector. The incidence of children working in the informal sector has increased, however, as families, often headed by children need a source of income. Many children sell simple wares on the streets. In addition, police have reported an increasing number of girls under 17 engaged in prostitution. The deteriorating economy also is forcing more children to work. Although child labor in the agricultural, domestic, and informal sectors increasingly is discussed, the Government and NGO's have been unable to gather concrete data on the number of cases.

In November 1999, Parliament ratified ILO Convention 182 on the worst forms of child labor, and during the year, it was incorporated into the Child Adoption and Protection Bill, which had not been implemented by year's end. In September, the Government released the results of an ILO-funded study on child labor in the country. The worst forms of child labor, such as child sweatshops and child prostitution, are not widely practiced in the country. The police frequently enforce laws against child prostitution.

The law prohibits forced and bonded labor by children; however, the traditional practice of offering a young girl as compensatory payment in interfamily disputes continued (see Sections 5 and 6.c.), and there were reports that children were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

e. Acceptable Conditions of Work

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. Working conditions are regulated by the Government on an industry-specific basis. The Constitution empowers the PSC to set conditions of employment in the public sector. The Government eliminated a national minimum wage as part of the Economic Structural Adjustment Program of 1990, with the exception of agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continue to specify minimum wages, hours, holidays, and required safety measures. In recent years, in an effort to opt out of the wage bargaining system, the Government mandated wage parameters for industries. Due to an ineffective monitoring system, many agricultural and domestic workers are remunerated below the minimum wage. The minimum wage for agricultural workers is \$24 (Zim \$1650) per month, and for domestic workers is \$41 (Zim \$2900).

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the inflation rate. In almost all cases, however, wage increases did not keep pace with inflation, devaluations, and the increases in the prices of petroleum products and basic food staples. A major goal of the ZCTU during the year was to encourage Government to again establish a national minimum wage but it did not reach an agreement with the Government by year's end. The minimum wage does not provide a decent standard of living for a worker and his family, and at least 70 percent of the population reportedly lives below the poverty line.

In April civil servants were granted 60 to 90 percent pay raises, with the lowest paid positions receiving the largest percentage raises. While broadly viewed as an effort by the Government to buy the votes of the civil servants in the elections, these raises were also viewed as necessary by the ZCTU because of the traditionally low level of civil servant salaries. In October the Ministry of Public Service, Labor, and Social Welfare (MPSLSW) announced a new regulation prohibiting civil servants from engaging in any for-profit enterprises. The Government alleged that many workers were operating their own for-profit enterprises instead of attending to official duties during the workday as the reason for the regulation; however, many civil servants contested that they needed to do so to earn a livable wage.

According to the ZCTU, some employers take advantage of illegal refugees for inexpensive labor. Because the job market is worse in neighboring countries such as Malawi and Mozambique, the refugees are willing to risk arrest and work for wages below the legal minimums (see Section 2.d.).

Many of the basic legal protections do not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards are determined only on an industry-specific basis. Despite the lack of general standards, the National Social Security Authority's (NSSA) statistics from 1999 show a decrease in the number of occupational injuries and deaths. There were 139 fatal job accidents reported during 1999, a decrease from 1998, and 12,000 occupational injuries were reported in 1999. In theory, labor relations officers from the MPSLSW are assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations are observed. In practice these offices are understaffed, cannot afford to inspect routinely workplaces, and must rely on voluntary compliance and reporting by employers.

The Government designated the Zimbabwe Occupational Safety Council (ZOSHC) to regulate safe work conditions. The ZOSHC is a quasi-governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions. The National Director of the ZOSHC is responsible for enforcing worker safety regulations. The director reports weekly to the MPSLSW on actions taken. Budgetary restraints and staffing shortages, as well as its status as an advisory council, have made the council ineffective. The NSSA continues to experience difficulty monitoring the thousands of work sites across the country; however, it has begun to enforce safety standards more vigorously, by closing down shops and factories in non-compliance. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they risk the loss of their livelihood if they do so, and this situation worsened during the year.

f. Trafficking in Persons

Although there are no laws that specifically address trafficking in persons, common law prohibits abduction and forced labor; however, there were reports that persons were trafficked from the country to South Africa for forced prostitution and forced labor. The Government has taken no actions to address the problem of trafficking in persons.

[End.]